



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly 37TH SITTING – SECOND ASSEMBLY: SECOND MEETING – SECOND SESSION

Wednesday, 24 September 2008

*The East African Legislative Assembly met at 2.30 p.m. in the Chamber of Deputies,
Parliament of Rwanda, Kigali.*

PRAYER

(The Speaker, Mr. Abdirahin Abdi in the Chair)

The Assembly was called to order.

MOTION

For the Assembly to urge the EAC Partner States to Develop a Joint Policy to Protect the Environment

Mr Gervase Akhaabi (Kenya): Thank you, Mr Speaker. I stand to move the motion “THAT, This Assembly, do urge the Partner States to Develop a Joint Policy to Protect the Environment.”

Mr Speaker Sir:

***WHEREAS** under Article 5(2) of the Treaty for the Establishment of the East African Community, the Partners States have undertaken to strengthen and regulate industrial and commercial, infrastructural, cultural, social political and other relations of the Partner States to the end that there shall be accelerated harmonious and balanced development and sustained expansion of economic activities for the benefit of the people of East Africa.*

AND WHEREAS, in view of the fact that in Article 5(3) of the Treaty for the Establishment of the Community, the Community is required to ensure, inter-alia, the attainment of sustainable growth and development of the Partner States through the promotion of more balanced and harmonious development of the Partner States, the strengthening and consolidation of cooperation in agreed fields that would lead to equitable economic development within the Partner States, see the promotion of sustainable utilisation of natural resources of the Partner States and taking measures that would effectively protect the natural environment of the Partner States;

AND WHEREAS the Partner States have agreed and undertaken to plan and direct their policies and cooperate in matters of environment and natural resource management;

RECOGNISING that the mountain eco-systems and water catchments areas in the Partner States greatly impact on the economic and social development of the entire Community with serious peace, security and stability implications within and beyond the Community;

CONSIDERING the grave consequences the destruction of mountain eco-systems and other water catchments areas may have for the economic development, peace and security and social stability of the region;

AND CONSIDERING FURTHER that the Partner states have, in existence, a signed protocol on the matters of environment;

NOW THEREFORE, THIS ASSEMBLY do resolve to:

- i. Urge the Partner States to develop a joint policy and management strategy for the preservation, conservation and protection of the environment and natural resources against all forms of degradation and destruction in whatever manner;
- ii. Urge the governments of the Partner States to halt further destruction of the forests and to preserve conserve and protect their water catchments areas."

Mr Speaker, I beg to move.

Ms Patricia Hajabakiga (Rwanda): Seconded.

Mr Akhaabi: Mr Speaker, the East African Community Partner States are constituted by people of congruent, social and cultural backgrounds. However, our Partner States are gravely challenged and constrained by reason of poverty, underdevelopment and low productivity.

Mr Speaker, sir, our Partner States in the East African Community rely very heavily on Agriculture: 80 per cent of the people of East Africa depend on agriculture for their livelihood, and over 40 per cent of our GDPs are contributed to by agriculture. Most of our manufacturing industries are agro-based or depend on agriculture.

Mr Speaker, sir, the reason for our countries' coming together was, and remains, to pull together. They were motivated by the need to pool together their resources in order to realistically advance their efforts towards economic emancipation and development. And this necessarily means that we will have to rely on agriculture considerably for the foreseeable future.

Mr Speaker, sir, this pooling together of our resources is done through cooperation in the areas that have been agreed, and one of the areas in which the countries of East Africa have agreed to pool together their efforts and resources is in the area of the protection of the environment, the management of that environment and the natural resources of the Partner States.

Mr Speaker, sir, without addressing the environment, the Partner States, and, indeed, the Community as a whole, are not likely to make any progress whatsoever in terms of food security. Mr Speaker, I have been given a report by our committee on agriculture, and it is addressing the same issues. We are faced with serious food insecurity; we are not going to overcome food insecurity in this region unless we seriously address the issues of the environment and its management.

Mr Speaker, pursuant to the provisions of Chapter 19 of the Treaty for the Establishment of the East African Community, in the year 2006 the Partner States signed a protocol of general application to govern their cooperation in the management of the environment and the natural resources within their jurisdictions, including the trans-boundary environment and natural resources.

Mr Speaker, this protocol applies to all activities which include sustainable management of the environment and natural resources, forest and tree resources, wildlife, wetlands, energy, mountain eco-systems, rangeland, tourism development, and it also addresses issues of combating desertification and mitigating the effects of climate change and drought. It requires that the Partner States manage the environment and natural resources according to laid down principles, which principles include informed prior consent or notification, the fundamentals of the rights of the people of East Africa to live in a clean and healthy environment. It is a fundamental right, Mr Speaker, sir: the cooperation in the management of the environment and natural resources, the unity and cohesion of shared eco-systems like the Mount Elgon ecosystem, the Cherengani ecosystem, the Mau ecosystem, the Rwenzori ecosystem and many other ecosystems.

Mr Speaker, because of this, it is of importance that we have a common policy on environment management and the natural resources. This is necessary in order that we protect this environment that sustains life in this area. As we speak, Mr Speaker, there is serious silting of the waters of Lake Victoria, contributed to largely by human action upstream. Mr Speaker sir, if the waters of Lake Victoria reduce to those dangerous levels that we are now experiencing, what are we going to have? We are likely to have very serious social and political problems, not only in East Africa, but in the Sudan, in Egypt, in Ethiopia, and this may constitute a serious security problem to our countries. So, these

are very serious matters, Mr Speaker, and we should address these matters before they get out of hand.

Mr Speaker, the objective of the Protocol, therefore, is important, and we as parliamentarians, and parliamentarians at this level, must be in a position to influence policy direction that will help our Community and Partner States to preserve this environment for posterity; for the future generations.

We cannot afford a situation where we preside over the destruction of a national heritage, a heritage we inherited from our forefathers, and we are now watching – (*Interjection*) - and mothers. I am corrected Mr Speaker - and now we are watching, and, indeed, participants in the destruction of these heritages. What shall we tell our children? What shall we tell our grand children? That we sat there and let our environment go to the dogs? Mr Speaker, I think that should not be the way we should behave. We need an environment management policy in East Africa that will protect our environment for posterity – (*Applause*). Mr Speaker, this will help us to address issues of poverty in a sustainable manner; it will help us to deal with issues of climatic change in a sustainable manner, and it will help us to realise the objectives of the East African Community.

Mr Speaker, with those remarks, I urge members of this Assembly to stand up for the future generations of the people of East Africa. I urge the honourable members to be the forerunners of a revolution in this region to protect the environment so that we can use our natural resources in a sustainable manner.

I thank you, Mr Speaker, sir. (*Applause*)

The Speaker: Honourable Members, the proposal on the Floor is that this Assembly do resolve to urge the Partner States to develop a joint policy to protect the environment.

Mr Abdul Karim Harelimana (Rwanda): Thank you, Mr Speaker. I thank our colleague, hon. Akhaabi, for this motion, and I take this opportunity to say on the Floor of this House that I support the motion very much because if we do not protect our environment and things go as bad as we see in other countries, we will be faced with the desertification of our region. Some of us have visited some countries in northern Africa, and we have seen how much these people are suffering because of lack of water, lack of food and other things. So, it is good to support this motion.

I am sure that it will help if we as Partner States together come up with a policy to protect the environment in the region. It will also help us to harmonise our strengths in the implementation of such policies because I know that these policies are in each and every country, but because we are not using them all together, you will find that in some countries the implementation is very strong while in others it is mild, if not weak. Like here in Rwanda, during the genocide in 1994, the killers did not only kill human beings but they also killed the environment. So, at a certain time between 1994 and maybe 1998, we had no forests on our mountains, and some of our rivers dried up. Now the government has put in place policies and ways of implementing those policies, and now if

you walk around Rwanda, you will see that trees are coming up, and some areas have been reforested. But if you go to other countries, you may not find strong implementation of such policies. That is why I think it will be better for us to pull our forces together so that we can protect the environment in East Africa as a region.

Mr Speaker, water is a source of life. I think this is understood everywhere in the world, and I think that is why researchers say that people are now fighting because of oil and so forth. But, if the environment is not well protected now and there isn't enough water for all people, wars that will occur in future will be because of water. And, Mr Speaker, I think there is an example, which we can see at the Source of the Nile near Jinja in Uganda. We are told there is always an Egyptian there who is also an officer in the Egyptian army. He is there permanently following how the water is flowing towards Egypt. (*Loud consultations*) So, this shows that if someone tries to divert those waters, Egypt will come up and maybe cause a problem for the region. That is why, Mr Speaker, sir, I support the motion moved by the honourable Akhaabi. (*Applause*)

Ms Dora Byamukama (Uganda): Mr Speaker, at the inception of this Assembly, some of us were privileged to be given an opportunity to tour the area around Lake Victoria, and our findings were, in some instances, shocking, to say the least. I would like to share with the members who were not with us that time, some of the findings which really would urge us, as an Assembly, to support this motion.

The first issue, as I can remember, which I believe some members will also add to, was the way waste was being managed along the shoreline of Lake Victoria. We discovered that where the lake met with industrial activity or an urban settlement, waste was not properly processed before disposal into the lake, and this definitively is hazardous to the life which is found in and around the lake.

The other issue concern that we noted was that of silting. Most of the rivers that feed into Lake Victoria were heavy with silt, as was evident from the colour of the water. I will not name and shame right now, but all those who visited this area know that some of these rivers were definitely carrying a lot of soil as well as other materials, which would harm the lake.

Apart from this, we also observed over fishing in some areas, and this over fishing also was leading to poverty because most of the members of our communities around the lake were now left to feed on bones rather than fish, and this was very sad. We also noted that in some instances there was construction, which was very near the water area, and there was no harmonised way of ensuring that construction was within what the law required.

Therefore, having noted all this, I am glad that honourable Akhaabi has reminded us of what we saw at the inception of this Assembly by bringing here a motion urging the Partner States to develop a joint policy to protect the environment.

Mr Speaker, I would like to, maybe, table some challenges and thoughts on ways we can revise our methods of work. If we already have a protocol in place, did this protocol

come into being without a joint policy? If so, I think this is an anomaly, because it is almost like having a house without a spirit, because even if you build a house and you do not have the spirit in place, this house will only be a shell. Maybe it is no wonder that we there has been no action taken on this particular protocol.

The other issue I would like to raise is in respect to the way protocols are interpreted. Mr Speaker, protocols are interpreted as being part of the Treaty, and as such, when it comes to issues of enforcement under Article 143, it is very clear that any Partner State that defaults in meeting its financial and other obligations - and I believe under this Treaty - shall be subject to such action as the Summit, on the recommendation of the Council, shall determine. I would like to hear - maybe from the Counsel to the Community - whether there have been any recommendations to the Summit to oblige Partner states to live up to their commitments.

I think it is not fair for our people, taking into consideration what I have said, for us to continue signing protocols without us monitoring whether these protocols are implemented. Therefore, I want to thank honourable Akhaabi for bringing up this issue because this is a way of ensuring that the protocol is adhered to and that our people are protected from the hazards that I mentioned before.

Thirdly, Mr Speaker, I would like to go to the issue of how a motion is defined. When you look into our Rules, the definition of a motion is that it is a proposal made by a member that the Assembly or a committee of the Assembly does something or orders something to be done, or expresses an opinion concerning some matter. I think this may be faulty in a way, but I would like to propose a friendly amendment so that we do not just leave this as an expression of our opinion. And this friendly amendment would come in form of an amendment to the second part of the resolution, which reads:

“This Assembly do resolve to urge the governments of the Partner States to halt further destruction of the forests, and to preserve, conserve and protect the water catchments areas”.

Mr Speaker, I would like to propose that we add a paragraph (iii) to read:

“(iii) The Council of Ministers presents quarterly reports on action taken in this regard”.

I think that by doing so we shall not only be kept abreast of what is happening, we shall also keep this very important issue on the Floor of the House lest we forget the repercussions that may occur as has been ably expounded by the honourable Akhaabi.

Finally, Mr Speaker, I would like to say that if we do not have a clear policy, then the scramble for the resources will continue, and our environment will continue to suffer. And when you look at the reasons why there is a scramble for resources, I think it is partly because there is no policy in place, and everyone feels that since this is a shared resource the more you get when you can, the better.

Mr Speaker, I would like to allude to the issue of medicines. We get a lot of medicines from the forests; some come from the lake. And when the herbs are finally processed into medicines, they do not belong to the whole of the East African Community so, you will find that there is a scramble. So, I would like to propose that maybe along with a policy on the environment and the protection of the ecosystem, we should also look into the issue of the protection of intellectual property rights, especially in regard to medicines so that we have joint research and we come up with a way of using the environment, the ecosystem and the resources we have for the whole of East Africa, so that we all mutually benefit, and, therefore, we do not scramble for these resources.

With those few comments, I beg to support the motion, and implore hon. Akhaabi to take into account my proposed friendly amendment. I thank you. *(Applause)*

The Speaker: Hon. Byamukama, you could bring that amendment to the Clerk's desk...and you didn't move it formally for it to be voted on; you just said it is friendly but you didn't move it.

Ms. Byamukama: Mr Speaker I beg to move the amendment.

Mr Wandera Ogalo: Seconded

(Ms. Byamukama took the amendment to the Clerk's Table)

Ms Margaret Zziwa (Uganda): Mr Speaker I want to also take the opportunity to support the motion moved by hon. Akhaabi for a resolution of the Assembly to urge the Partner States to develop a joint policy to protect the environment.

Mr Speaker, I think Article 5(3)(c) of the Treaty is one of the measures that the Community is urged to take in order to protect the environment. Article 5(3)(c) specifically states that:

"For the purpose set out in paragraph (1) of this Article and subsequently provided in particular provisions of this Treaty, the Community shall ensure the promotion of sustainable utilisation of natural resources of the Partner States and take measures that would effectively protect the natural environment of the Partner States."

I guess this motion is in that direction.

Mr Speaker, I also want to support this motion, drawing from Article 111, which urges the Community to undertake environmental management strategies to cooperate and coordinate policies and actions for the protection and conservation of natural resources and environment against all forms of degradation and pollution arising from developmental activities.

Mr Speaker, this motion has come at a time when we acknowledge that the Partner States are definitely taking some measures to protect the environment. I want to echo hon. Byamukama's experience: when we visited the Lake Victoria basin, some of the efforts we saw were promising, but they were not coherent. You could find in one part of the region efforts being made, while in the other parts nothing being done. For instance, in the lower riparian area of the Nzoia River, a lot of work was being done but of course with no reciprocal work being done in the highlands. Particularly, we found out that the rivers from the Nandi hills carried a lot of soil, because many of those rivers definitely were brown. And in addition to the flooding, which is also a hazard, apart from soil, a lot of the deposits were other materials carried along the rivers from the higher grounds.

Mr Speak, it is therefore very important that common policies across the countries should be enforced. I want to add that policies within the countries should also be harmonized. If you take that example again, there were large numbers of people living in the higher lands and this meant a large number of settlements with permanent houses. And the lack of a comprehensive policy, for instance on water harvesting, on clearing of the forest covers or the vegetation covers, led to a lot of run-off water.

Mr Speaker, it would be good for our governments, in developing policies for areas where populations have increased, to encourage those populations to adopt measures of water harvesting that would not only help in improving the health of the people, but it would also help to improvement their ways of getting water, which is so scarce in many of our African communities.

Mr Speaker, I also want to bring another example, which I think is very vivid. I want to commend this country, the Republic of Rwanda, for the policy against the polythene materials. I think all of us have seen that this beautiful city has no polythene materials. *(Applause)* Rwanda has been able to enforce this policy. In various countries in the Partner States, policies have been passed, or maybe the use of polythene materials has even been banned, but enforcement has failed. I want to say that polythene is a very dangerous material to our soils. It not only spoils the content but it hinders the permeation of water into the soil.

Mr Speaker, some of our governments have traded off the fertility and the productivity of our soils for taxes. I think it is very important that as we harmonise policies of the Partner States, policies like this one should be worked in. For instance, policies on recycling are good to have in place to deal with the polythene materials. I want to salute those governments that have tackled this problem head-on, and also to encourage those governments that have haphazard policies to implement them whole heartedly.

I want to say that the harmonisation of the policies on the environment by the Partner States will help to have similar efforts towards our production processes. Quoting honourable Akhaabi, our countries are still agro-based; our populations still live on the land. Therefore, we cannot afford to let land get to waste. If land gets unproductive, many of our populations will start dying of famine.

Mr Speaker, for that reason, I want to support the motion to have a joint policy to protect the environment because that will enable our Partner States to be able to develop joint efforts towards enforcement of environmental policies. I want to support the motion, Mr Speaker. (*Applause*)

Ms Hajabakiga (Rwanda): Mr Speaker, it is probably not very good to speak after the eloquent contribution by the honourable Akhaabi, but being an environmentalist, I feel that it is very important for me to raise my voice together with that of my colleagues.

Hon. Speaker, the issues raised by hon. Akhaabi and others who spoke before me are all contained in Chapter 19 of the Treaty, and, specifically, in Articles 111, 112, 113 and 114. However, it looks like although we have the Treaty with these articles contained in it, there isn't much we have been able to do as a region to try and answer the concerns raised by our Partner States and also the concerns of the people of East Africa. Therefore, the absence of an integrated approach has had a negative impact on the way we deal with things of concern to the people of East Africa.

Honourable Speaker, let me salute hon. Margaret Zziwa for mentioning one of the policies contained in Article 112(2)(a) and (c) of the Treaty. It says that we are required to adopt common environment control regulations, incentives and standards. It goes on to say in (c), that we should encourage the manufacture and use of bio-degradable pesticides, herbicides and packaging materials. This is already contained in this Treaty, honourable Speaker, and although Rwanda was not party to this Treaty, we had already considered polythene bags as a menace, not only as a waste, but also to our land, since in agricultural areas water cannot penetrate the soils if it is all full of plastic bags. Also, if you consult the livestock people, they will tell you that many livestock die after eating these undesirable plastic bags.

Honourable Speaker, despite the fact that Rwanda has tried and played its part in this matter, Rwanda is still being frustrated by the non-adoption of a common stand by other members of the Partner States. Like my colleague hon. Zziwa, I wish to urge the Council of Ministers to raise this issue with the other Partner States, and if possible, we should make legislation which will require all the Partner States to abide by the agreed policies.

Honourable Speaker, there are a number of other issues which are of common interest to us. We are all signatories to a number of conventions, namely, the Convention on Climate Change, the Convention on Bio Diversity, and the Convention on Desertification, but without cooperation, and because environment does not have boundaries, as we have seen along our borders, any negative impact or degradation of any of these natural resources which we share has an impact across the border, or even beyond the borders of this region. So, that explains why we need to move forward and adopt a joint policy on the management of the environment. However, Mr Speaker, we need to go beyond just a policy, and I think this has been raised by both hon. Byamukama and hon. Zziwa.

Mr Speaker, we cannot just stop at policy level; we need to move forward and implement Article 112(2)(a), which requires us to adopt environment control regulations, incentives

and standards so that all of us can be sure to live in a clean, safe environment, which guarantees the future of our generations to come.

Hon. Speaker, with those few remarks, I thank you and I would wish again to support this motion. *(Applause)*

Dr. Odette Nyiramilimo (Rwanda): Thank you Mr Speaker, I also want to support this motion brought by our colleague hon. Akhaabi. In our countries, especially in the developing countries, not only the East African Community, we are seeing many problems and challenges related to the environment. We have seen some countries, especially in West Africa, buying quotas from the developed countries which sell to them the quotas for the production of greenhouse gases, and some of these countries even receive waste from these developed countries. So, in our region, in our Community, if we adopt a policy to protect the environment, it should also concern all such issues.

Today if one of the countries decided to bring in used computers or any used goods that cannot deteriorate naturally, and which would be toxic for the population of this East African Community, I think we would not have done our work as members of this Assembly, and also as the Council of Ministers.

So, Mr Speaker, I wish to very strongly support this motion for a resolution of the Assembly to urge the Partner States to develop a policy which would address all the problems that have been raised in this Assembly.

I thank you Mr Speaker Sir. *(Applause)*

Mr Christopher Nakuleu (Kenya): Thank you Mr Speaker, I would like to briefly contribute to this motion.

As we all know, the entire globe is discussing issues of the environment because of the attachment which the environment has on human life. Looking at the international conventions on environment, like, for example, the Rio de Janeiro Summit, they mostly stress environmental conservation and sustainable use of the environment for the sake of development.

Mr Speaker, although most of our East African countries are signatories to these international conventions on environmental conservation, it is necessary for us to have a policy in the region which will show the commonality of the environmental issues and features that the countries share.

Just to mention a few, Mountain Elgon ecosystem is shared between the Republics of Uganda and Kenya; if you take Lake Victoria, it is shared by the three countries of Kenya, Uganda and Tanzania; then there is the Mara region and Lake Tanganyika, just to mention a few. It is therefore prudent to have a common policy to protect these features from environmental degradation or environmental pollution.

Mr Speaker, I wish to say that for us to realise sustainable development, as hon. Akhaabi correctly put it, most countries in the region rely on agriculture, and it is therefore necessary for these countries to adopt sound agricultural policies for purposes of good management of the environment. Mr Speaker, you will realise that most of the catchments areas...for example in Kenya there is the Mau issue.

Mau is a source of the River Nile since it feeds into Lake Victoria. Mau has been encroached upon. I support the Government of the Republic of Kenya for taking up the position to evict all those who have encroached on it.

Hon. Speaker, it is very necessary for our Partner States to come up with alternative sources of energy, especially renewable sources of energy, or forms of energy that can not be depleted. For example, there should be a diversion from wood energy to solar energy, which will reduce the bad effect of the relationship between human activity and the depletion of sources of energy.

Hon. Speaker, if the East African Community Partner States do not enact such a policy, we will experience what is happening elsewhere in the western world, like desertification, the green house effect due to industrial emissions, and floods. It is therefore necessary for us to come up with this policy to protect the environment.

Hon. Speaker, I would also wish for each Partner States to adopt the polluter-pay principle, with the effect that if you are found polluting the environment, you have to pay what is worth the pollution you have made.

Hon. Speaker, on the issue of Lake Victoria, as has been mentioned before, as we took the tour around the environs of Lake Victoria, we realised that one part of Lake Victoria was highly polluted, while the other one was clean. I must attest that the Lake Victoria section in Mwanza was not as polluted as that one of Homa Bay. And what does this mean? This means that although the people living around Lake Victoria from the Mwanza side are taking strict environmental measures to conserve the environment, their counterparts from Homa Bay are not doing the same. So what does this imply? This implies that there will be effluence from the Homa Bay side to the Mwanza side of the Lake, thereby polluting it.

Mr Speaker, I would like to say that we should also look into the issue of waste management, and for example, the management of the waste of harmful chemicals used in agricultural practices. Some of these chemicals are non-biodegradable and if they are consumed by living organisms, they have harmful effects on their lives.

So, Hon. Speaker, with those few remarks, I wish to support the motion by hon. Akhaabi.

Mr Dan Wandera Ogalo (Uganda): Thank you Mr Speaker, for giving me this opportunity to contribute to this motion, which I whole heartedly support. The first thing that comes to my mind is that this motion is receiving a lot of support, but what will come out of it so at the end? I think that is a pertinent question, which should make this Assembly and the Council of Ministers find a mechanism to enable us push the integration process ahead.

This motion, when we adopt it, will be a resolution to the Council; we are urging them to do something. They could ignore it; keep quiet...I know there are resolutions which were passed as far back as 2003 and 2002, urging the Council to do certain things and they have not yet been done. So, what mechanisms can we put in place to enable us ensure that when the members of the Assembly come up with something bordering on policy, at least the Council of Ministers reacts to it?

One of the ways, for example, could be for the Council, after some time, to report on each specific resolution, giving reasons as to why it is unable to take the recommendations made by the Assembly, or inform the Assembly what steps it has taken so that we can be sure that when we talk here, it has some relevance to the East African region. Otherwise, we might end up piling resolution upon resolution, and nothing coming out of them.

Mr Speaker, the second issue I want to comment on is that this Treaty came into force in 1999, about ten years ago, and what disturbs me is that in all these ten years, obviously the Council has been working on policies; it must have been working on very many things, but how do we relate for us in the Assembly to be able to access the policies made by the Council? Do they just stay with them and then at the end of the day we do not know what one arm of the Community is doing? I think it would be a good way forward if we knew what policies are being pursued, if we knew how far they have gone, and then we can also have an input by way of debate.

Mr Speaker thirdly is the fact that in all our five countries we have got legislation, we have got policies on the environment and natural resources. The Treaty foresaw and knew that this would be so, so it provided for harmonisation of the laws of the Partner States so that if there is a law on forestry in Uganda, Rwanda, Burundi, we would be expecting that there would something, some work coming out in order to harmonise these laws to work towards one central law. We were told some time ago - I think it was called approximation of laws - but, again, we have heard very little from the side of the Council in respect of the harmonisation of laws and policies, which, again, is provided for in the Treaty. It would help this Assembly if we knew how far the Council has gone in harmonising these legislations of the five Partner States.

Mr Speaker, the motion is on environment and natural resources, and this is a very critical area. We want to protect the environment, we want to protect the natural resources, but on the other hand we must also realise that we have populations that are subsisting on those resources, and on that environment. If there are trees next to me and I have to cook food but you tell me to keep this food and just look at this tree and not cut it down because of some environmental law, it is not logical, because nature will force me to cut it down! So, in questions of sustainable development, we should be able to see how we balance these two; how we utilise the resources we have without compromising how future generations will use the same resources. Then we can talk of sustainable development.

If we say there should be no over fishing, we should not expect the fishermen around Lake Victoria to simply say yes, that is a natural resource; the East Africa Community has said no over fishing so we do not go into the Lake! So, it is important that the question of sustainable development is given a wholesome approach to balance the needs of the present generation with the needs of the future generation.

Indeed, Mr Speaker, this question of sustainable development of the environment has occupied the world for a very long time, ranging from the Stockholm Declaration of 1972, the World Conservation Strategy of 1980; the World Charter for Nature, the Rio Declaration, and Agenda 21. All these international conventions have recognised the need to protect the environment but at the same time make sure that the populations that live on these resources do so in a sustainable way. Therefore, I think that this is a very important motion; that it is a matter which should be looked at by the Council from a wide perspective.

Mr Speaker, it is already covered in the Treaty, as members have mentioned, and what is lacking is the fact that we do not know what is coming out from the other side. The legal framework about the environment is there, the Articles are very clear. What we are supposed to do is written in the Treaty! The only question is what is happening, what is being done for the furtherance of those provisions in the Treaty, because for us the Treaty is like the Bible. We expect that we will open it here and say, yes, in this area of forests this is how we are going to move.

So, as we urge the Council Of Ministers to come up with a policy in this area, it is very important that those areas in the Treaty, which call for action on the part of the Council of Ministers, are addressed and we are told in this area this is what we have done; we have failed to do this in this area because of this! That way, there will be debate on topical issues affecting East Africa by the representatives of the people of East Africa and the executive, and then we will be able to push the integration process ahead.

As long as we take the Treaty, put it aside and not account and say we have to do this and this in this area, and as long as we make resolutions and we do not get feedback from the executive, it is my humble submission that we will be failing the people of East Africa.

I thank you Mr Speaker. (*Applause*)

Ms Kate Kamba (Tanzania): I thank you very much, Mr Speaker, for giving me an opportunity to add my support to this motion, which is of great importance to this region. Having heard from all the speakers, I really need to support all of them and to add my voice to the issue at hand.

Mr Speaker, when we relate with the Council of Ministers with regard to the Community, most of us will talk of the customs union, the common market, the monetary union and then the federation. And in most cases some of us call for the fast-tracking of the federation. But, listening to the interventions and looking at the issues at hand, I do not

know how exactly this should be happening. What are we supposed to be doing? What is the way forward?

As many speakers have already said, in our Treaty we have cooperation in environment and natural resource management in Chapter 19, and a lot has been said on that. So why are we not moving? We have been looking into the customs union, but issues which are very pertinent to the development of our people are not touched. And whenever I look at the Treaty, I keep reminding myself that why we are together is a preamble; at the end of the preamble we should say that we are convinced that cooperation at the sub regional and regional levels in all fields of human endeavour will raise the standards of living of the East African peoples, maintain and enhance economic stability, foster close peaceful relations among African states and accelerate the successive stages in the realisation of the proposed African Economic Community and political union. Those are the issues.

When we make study visits and look around the region, we see that a lot is left to be desired. Looking at agriculture as a mainstay of our people, you see very little in terms of developing the peasant. Soon we will be hearing from the committee responsible for agriculture and natural resources. We do not have joint initiatives with regard to extension services to our farmers in the whole region. There is no more research in agriculture in respect to getting the best seeds to every peasant farmer in this region. The issue now is that because there are no good seeds, and there is no extension services, people are shifting; agriculture is shifting.

You know, as you cut and burn the forests, the people keep on moving to areas where there is land. But where there is no land, the problems are actually more serious, because then you will have food shortages because production per hectare is actually dwindling. So, I am asking myself, as hon. Ogalo was also asking himself; we are urging the Partner States to develop a joint policy to protect the environment. I am sure by doing so most of our problems will be answered in terms of proper policies; even livestock keeping.

In Africa, we are very rich in livestock. For example, Tanzania is second to Ethiopia in terms of the numbers of animals we have, but look at the way these people are moving from one area to another; there is no science! We have all these universities, but how do they translate the needs of our society in terms of improving even grazing? We have been doing this since time immemorial! People are just moving around; animals are dying because there are no extension services! So, I am saying that all such policies would answer most of the problems of our peasants, and maybe even transform them.

I think hon. Nakuleu was talking about harvesting rain. These are simple things but they are very important. When you visit some of our areas, you will find that people are not even living in houses with corrugated iron roofs. To date, most of our peasants are living in grass thatched houses, and imagine, this is the 21st Century! But, even for those few households that have corrugated iron roofs, we could harvest rain and people could use that rain for an improved system of agriculture, and where there are no systems for rain harvesting through the corrugated iron sheets, they could use charcoal, because charcoal does not need a lot of money. All we need is a joint policy; somebody who is going to force some of our countries to make sure that whatever we agree at the regional level is

actually made to happen in the capitals and in the rest of the Partner States. Otherwise, we will be here with this big preamble, but at the end of the day if we do an evaluation, people will be asking, what have you done for us East Africans? So, I really support this motion that we should have a joint policy to protect the environment.

If you visit our rivers now, you will find that most of them are dry; but, we can revive all these rivers by taking policy measures to protect the catchments areas. However, if everybody is silent and nobody is doing anything, we are going to pay the price, and it will not be us but our grandchildren to suffer because the environment we want to protect is not for us, much as we are also going to enjoy it. If our forefathers destroyed all the forests, where would we be now?

So, I really support hon. Akhaabi's motion to have a joint policy to protect the environment, and I urge the Council of Ministers to really make it happen. We have managed to come up with a customs union, and now they are very seriously working on the common market, but in between, all these other things should be happening because short of that, we will be looking at colossal things. We have a customs union but it is not touching the peasant; the peasant is not actually involved, and he does not enjoy the benefits of being in this East African Community.

With these few remarks, I really support the motion. I thank you Mr Speaker. *(Applause)*

Mr Clarkson Karan (Kenya): Thank you Mr Speaker, for giving me this opportunity to make my position known as far as this motion is concerned, but before I do that, since it is my maiden speech in this beautiful Chamber, let me also take this opportunity to thank the government of Rwanda for the hospitality it has given to us.

Mr Speaker, if this Assembly had power to decide the terms of the Chairperson of the Summit, I would have proposed that we pass a resolution to the effect that the Current Chairpersons of the Summit and of the Council of Ministers continue in their leadership of the East African Community for not less than two years - *(Applause)*. Mr Speaker, I am saying so because the problems of the people of East Africa are numerous, and we want leadership that can fast-track the real issues that are affecting the people of East Africa. *(Applause)*

Mr Speaker, when I came to the Kigali International Airport, I saw people who had carried polythene suit carriers being denied entry into the city with those bags. It was a clear demonstration that the Republic of Rwanda has come to terms with the fact that the environment should be kept clean. If you put anybody in leadership who is not convinced in his own self that the environment should be protected, Mr Speaker, we will keep on talking and nothing will happen – *(Applause)*.

I remember when I was a young child of about eight years, I used to see brown water from upstream, and I used to wonder why water from upstream was brown and water around Lake Victoria where I lived was blue. I did not know then the effect of

degradation. Mr Speaker, to date the same effect is there. Why have the African governments not seen the essence of protecting the environment? They have laws but these laws cannot be enforced because of various interests, both political and otherwise – (*Applause*).

I want to really thank the Government of Kenya, but specifically the Prime Minister of the Republic of Kenya, for putting a lot of force - to the extent that he does not even fear losing political support - to ensure that the Mau forest is protected, Mr Speaker. It is in that light that I see the Government of Rwanda fast-tracking the issue of the environment in East Africa.

As you have heard, Mr Speaker, all the speakers who have contributed on this motion have shown how the environment is important for our life. And if we are totally in agreement that a protected environment is important for our life, why can't our leaders see the essence of coming up with programmes to ensure that the environment is protected, Mr Speaker? All Africans say agriculture is the mainstay of their economies but they do nothing to ensure or promote sustainable agriculture!

Mr Speaker, when we had an opportunity to travel around Lake Victoria - as was alluded to by hon. Byamukama - we witnessed a number of very bad things happening to our environment. We saw how the deforestation in the Nandi hills had caused a lot of soil erosion, which soil was flowing into the lake. We observed that this was affecting both agricultural practices in the area and it was also affecting Lake Victoria. Lake Victoria is the known common natural resource that we have in East Africa, but if you walked around Lake Victoria today, you would not be sure whether that Lake will continue to be there in a number of years to come.

Mr Speaker, we are privileged to be legislators in a regional parliament, but I am worried that this resolution, good as it is, if it is not implemented, will just be one of those pieces of paper that the Assembly has gone through and is kept. Why can't we, the political leadership of the Partner States, in our own wisdom, having seen the sense of coming together as East African states, be able to reap the benefits of a wider region, be able to protect the environment? The market is there but that market will only be lucrative if the environment is protected. A protected environment will mean that we will have a good life; that we will be able to protect our forests to ensure regular rainfall. And, Mr Speaker, regular rainfall is what can also enable us to be able to do active agriculture for the benefit of East Africa! Mr Speaker, my only worry is the implementation of this resolution we are passing.

I would like to congratulate hon. Akhaabi for bringing this motion. It is timely, and as an Assembly, we should now be thinking towards the best way to enforce this resolution. It is in that context that I was suggesting having a leader at the top hierarchy of the East African Community who is already convinced within him or herself that he or she is protecting the environment for his country, and who will be able to fast-track the issues of the environment and other development of East Africa as a state. Mr Speaker, I only

wish this Assembly could be able to make such a resolution which is binding, because then these problems would be sorted out.

With those few remarks, Mr Speaker, I support the motion as moved by the hon. Akhaabi, and if there is any way of ensuring that Partner States act on the resolution by implementing it, Mr Speaker, we would be in a position to say, with a lot of confidence, that East Africa has started the journey with one step on the issue of the environment. *(Applause)*

Mr Reuben Oyondi (Kenya): Thank you very much Mr Speaker, for giving me the opportunity to also join my colleagues in supporting the motion brought to us by hon. Akhaabi. Before I contribute on the motion, I want to support my friend, the hon. Karan's suggestion to have the current chairperson of the Summit and the one of the Council of Ministers to stay on for two more years *(Applause)*. Why am I saying so?

Mr Speaker, the East African Community started much earlier; Kenya, Uganda and Tanzania have held the chairmanship at least twice each, so let the new Partner States also benefit. And while still on that, I want to ask the countries of Rwanda and Burundi to consider changing their time to the East African Standard time - *(Applause)* – instead of saying “This is Radio Burundi, and the time now is this and that, Central African Time.” No! We want East African Time so that we can be at par - *(Applause)*.

Mr Speaker, I now want to turn to the motion before us on environment and natural resources, which is very important for East Africa. Who amongst us would like to live in an environment that is not good? While we are talking about the Articles in our Treaty, it is also our duty, as members of the East African Legislative Assembly, and members of the national assemblies, to go down to the grassroots and talk to the people.

When we talk about trees, who are those cutting down trees? Not the Treaty; the people cutting down the trees are our people at the grassroots. So, if we can go down...yes, legislation has been put in place, the Treaty is very clear, so if we go down to the grassroots and talk to the people to make sure that they do not destroy our forests, then we will be sure that we have done our job well.

In our local homes, Mr Speaker, you will find a house standing in an open space, with not even a single tree around it. Who is supposed to plant the trees; the ministers? No! The owner of the compound or the plot should plant a tree at least, or trees around his home to protect the environment!

Mr Speaker, you know that we have been flying all over, and there are times when we fly over areas which are completely bare; with no grass at all. We cannot ask the ministers or the Council of Ministers to come and plant grass where we are living! So, really, we should be able to preach to our people that the environment, as long as we leave it to be run down, the problem is with those living in that particular area.

As much as we would like to protect trees, you will find some areas, Mr Speaker, where they have planted a lot of trees along the rivers, particularly, the gum trees or the eucalyptus trees that consume a lot of water. That also has to be looked into. Mr Speaker,

in areas like where I come from, there are so many trees planted along the river banks that you will find that a river that used to have a lot of water now has very little water, and you wonder whether there will be any water in that river in the next ten years if this trend continues.

Mr Speaker, there are areas where we dig for precious stones, or excavate rock for the purpose of crushing and chipping for building. You will find that after the work has been done for ten, twenty years and the rock is finished, whoever was doing that just moves away, leaving the place with deep holes and cracks all over without putting the soil back.

Mr Speaker, when we went to Mombasa we visited the Bamburi Cement factory where after they excavated rock for the purpose of getting the raw material for cement, they covered the area and now they have made it a place where people can go to see animals and a few other things. That was very good, I was very happy with that – *(Applause)*. This can only be done through our governments, Mr Speaker. Whenever they give a license to a contractor to excavate rock, they should make sure that at the end of the exercise the place is covered; that is preserving the environment - *(Applause)*.

Mr Speaker, while congratulating the Government of Rwanda, I remember that in our states, for example in Kenya and in Uganda, laws were passed prohibiting the use of polythene papers. Then the business community came up in arms saying “No, we have big stocks of these materials; allow us time to use them or to sell them and then we will be able to adhere to the law.” That time which was allowed has never ended! Nobody has come up to say, “Ok, the time we allowed is now finished; go back to other materials.” We are still having the problem of polythene papers, particularly in my country Kenya, and even in Uganda.

So, Mr Speaker, it is the responsibility of our governments, after the registration of these companies, to make sure that the law is followed, and then we can have an environment we will be happy about, an environment which will live on for many years - *(Applause)*.

For those of us who talk about the second coming of Christ, who really knows when Christ will come? So, we should keep our land – *(Laughter)* - we should protect our land because I know for some members of the Christian faith there are times when they say that Jesus Christ will be coming the next year, in such and such a month, and then they start selling their properties, destroying their land, cutting their trees and whatever! We are not sure when Christ will come! Yes, I believe He is going to come one day, but do I have to destroy my property because Christ is going to come tomorrow? I don't know. So, it is good to teach our people that the coming of Christ is something different from what you are eating today; you must eat to wait. *(Laughter)*

With those few remarks, Mr Speaker, I beg to support the Motion.

The Minister for EAC Affairs, Rwanda and Chairperson, EAC Council of Ministers (Ms Monique Mukaruliza) (Ex-Officio): Mr Speaker, I thank hon. Akhaabi for moving this important motion urging the Partner States to develop a joint policy to protect the

environment. I thank all the other honourable Members who have contributed very positively to the motion.

Mr Speaker, environmental protection is a sacrosanct part of our well being. Indeed it is a feature of good governance as required of the Community under Article 6(d) of the Treaty. Secondly, environmental protection and the protection of natural resources is not only an agenda of the universal community to which we belong, but it is also a feature of sustainable development, which must guide our socio-economic development in the region.

Mr Speaker, I have taken note of the observations regarding the Treaty, the policy making process and the follow-up on resolutions of this August House. I note, for example, the concern of the House regarding the implementation of Chapter 19 of the Treaty, and Article 143 on sanctions. The need for Council to bring into force protocols to implement all projects and programmes, and indeed to address all shortcomings regarding intra-organ cooperation and cross reporting is all part of the ideal mechanism by which the organs of the Community should be advancing the integration agenda.

Mr Speaker, some of the Treaty-based shortcomings, including the implementation of Article 143, will be addressed in the context of the ongoing amendment of the Treaty. Mr Speaker, if the decisions are to be taken by consensus as per the Treaty, we cannot ignore that. Also, it will apply to the decision to be taken on sanctions. So, if one Partner State fails to meet its obligations, we need a consensus in order to take a decision on the sanctions.

Mr Speaker, I have noted the nature of the resolutions so well crafted by the hon. Akhaabi - *(Interruption)* -

Ms Byamukama: Mr Speaker, I thank you for the opportunity. I did not mean to interrupt the hon. Minister, but this particular Article 143 on sanctions is very clear. It says:

“A Partner State which defaults in meeting its financial and other obligations under this Treaty shall be subject to such action as the Summit may, on the recommendation of the Council, determine.”

If there is need for consensus on this particular issue, would it mean that even a blatant breach of the Treaty would necessitate consensus of all the Partner States? I do not believe so. I think that the spirit of the Treaty, especially in relation to this Article, was to ensure adherence and also commitment to the obligations that are in this Treaty. Therefore, hiding behind the issue of consensus even where there is a breach is a misinterpretation of the Treaty.

Secondly, Mr Speaker, we cannot put off adherence to the Treaty by alluding to the imminent amendment to the Treaty. What we have and what is operational is a Treaty

and, therefore, I beg to understand the argument which has been raised, because I don't think that this is the spirit of the Treaty. Thank you.

Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): On a point of clarification, Mr Speaker, when the hon. Chairperson of the Council of Ministers in her submission referred to Article 143 and also alluded to the problems associated with consensus in decision making, she was only highlighting the need to amend this Treaty, because, in substance, you may encounter a problem where you need to actualise this provision and yet you need the Council to meet, and after the Council has made a recommendation, the Summit to meet, and yet the participation in those meetings is participation by country, which may be in breach of the provision of the Treaty. So, all that the honourable Chairperson is saying is that because of those shortcomings, Article 143 needs to be revisited during the process of the amendment of the Treaty so that it can be more effectively implemented.

I thank you, Sir.

Ms Mukaruliza: I thank hon. Dora Byamukama and hon. Kaahwa for their input on this. Mr Speaker, I have noted the nature of the resolutions so well crafted by hon. Akhaabi. I also believe that the organs of the Community have a common denominator regarding the advancement of the integration process. On this basis, I undertake to logically pursue the resolutions of this August House on this motion - *(Applause)*.

I thank you Mr Speaker.

The Speaker: Honourable Members, I think you have already contributed to this matter. There is one amendment to this resolution, which was moved by hon. Byamukama. I think she was seconded by hon. Ogalo here, and I will read it out. I was going to ask for hon. Akhaabi to wind up but he is not around, and so I will continue with it.

The proposed amendment by hon. Byamukama says:

“(iii) Urge the Council of Ministers to present quarterly reports to the Assembly on action taken and progress made towards ratification of the EAC Protocol on matters of the environment and adherence to the Treaty for the Establishment of the East African Community, and in particular, Chapter 19.”

(Question on the amendment put and agreed to)

(Question proposed that the Assembly do resolve to urge the Partner states to develop a joint policy to protect the environment)

(Question put and agreed to)

MOTION:

For A Resolution of the Assembly to Urge the EAC Partner States to Ratify the Resolution of the UN General Assembly on the Convention on the Rights of Persons with Disabilities.

The Speaker: Hon. Wanyoto will move the Motion on behalf of hon. Ndahiro.

Ms Lydia Wanyoto Mutende (Uganda): Thank you very much hon. Speaker. I have the permission of hon. James Ndahiro to move this motion on his behalf in this August House that_

“This Assembly, do resolve to urge the EAC Partner States to ratify the resolution of the UN General Assembly on the convention on the rights of persons with disabilities.”

Honourable Speaker, I would like now to move the motion and read the resolution as proposed by the hon. Dr James Ndahiro that:

***THIS ASSEMBLY**, taking cognisance of the provisions of Article 120 (c) of the Treaty for the Establishment of the East African Community;*

***AWARE** of the United Nations Resolution 61/106 of the Convention on the Rights of Persons with Disabilities;*

***NOTING**, in particular, the provisions of Article 43 of the Convention, which requires ratification by signatory states for the Convention to become effective;*

***NOTING** with concern that only the Republics of Uganda and Kenya out of the five Partner States of the East African Community have up to date ratified the Convention yet all were signatories to the said convention;*

***NOW THEREFORE**, do resolve:*

- i. To urge all Partner States of the East African Community to ratify the convention*
- ii. That this resolution be transmitted to the respective ministries of Foreign Affairs, ministries responsible for persons with disability and ministries responsible for East African Community affairs and the committees of Parliament responsible for ministries for persons with disability in the Partner States*
- iii. That the Chairperson, Council of Ministers does follow up this matter with the concerned ministries and to report to the Assembly on the progress made within six months of this resolution.”*

I thank you, hon. Speaker.

Mr. Reuben Oyondi (Kenya): Seconded.

Dr. Ndahiro (Rwanda): Hon. Speaker, the last UN census put people with disabilities at 10 per cent of the world population, if not more. Out of the 10 per cent of the world population, over 95 per cent of those people live in utter poverty. Issues challenging people with disabilities are universal in nature, so they require universal concerted efforts to resolve them. People with disabilities have challenges that are not only physical but go beyond in terms of attitude, in terms of culture, in terms of socio-economics, and in terms of politics. People with disabilities require a universal framework to resolve issues of accessibility, issues of mobility, and issues of communication.

Mr Speaker, it is important for us to understand that we have two languages that seem not to be recognised because they are not on our agenda for improvement, particularly, on the African continent. We have examples in our countries where deaf people in the same village have failed to communicate because we have one non-governmental organisation (NGO) which comes and trains people in one sign language; the other one comes, the same thing, and the other one to find out that the first one taught them sign language. One taught them Italian sign language, the other one taught them the English sign language, and people of the same family cannot communicate and yet those are NGOs that come to rescue our people, as if they have no governments, as if they have no people around them. They are rescuing us simply because we have taken the challenges of people with disabilities as a social factor. The challenges of people with disabilities are human rights challenges, and people need their rights!

The UN Convention has been signed by all our Partner States, what we are urging is for our countries to show a sign of commitment so that what we think is important to be done to our people is really done, so that our governments can even monitor these things. Otherwise, we have no basis for monitoring the implementation of what we think is necessary to improve the livelihood and welfare of persons with disabilities.

Honourable Speaker, we are not doing a charity to this group of people; it is our primary responsibility to make sure that the general welfare of humanity is improved, and is improved at the same pace. We cannot say or even pretend to achieve the Millennium Goals if issues of persons with disabilities are not focussed on and implemented. How do you say that universal primary education has been achieved 99 per cent yet we know for sure that there are people with multiple disabilities and with other severe disabilities who cannot benefit from universal primary education?

Leave alone our governments' adoption of the inclusion policy whereby people with disabilities can together enjoy education in the same setting; we have challenges in other spheres, like sports, for example. We have games that have been promoted to the international level on the list of the Olympics games. You can find games like goal ball in which people with visual impairment can compete.

If you come to our continent, and specifically to East Africa, you will find that our leaders are not sure of what to do with people with visual impairment in terms of sports. That is why, hon. Speaker, it is important to ratify such conventions so that the best

practises elsewhere can be imported, and so that we can put our leadership to task to make sure that they provide for everybody. Simple things like white canes and hearing gadgets can only be obtained through donations by different NGOs.

Hon. Speaker, if you want to buy a brail watch for a relative, you will not find a shop selling brail watches, leave alone hearing aids, in any of our capitals. Imagine the number of people with hearing impairment who have not managed to go to school, which means they can not even read a newspaper; imagine the kind of life they are living! We are talking of environmental degradation, but they are not even aware of where they sit; they are not even aware of what is happening around them! Hon. Speaker, how then do we talk about humanity if these people are not being taken care of?

Hon. Speaker, with these few remarks, I really challenge my colleagues that we should all stand in unison and support this group of people. *(Applause)*

The Speaker: Honourable Members, the proposal on the Floor is that this Assembly do resolve to urge the EAC Partner States to ratify the resolution of the UN General Assembly on the Convention on the Rights of Persons with Disabilities. Debate is now open.

Mr Dan Kidega (Uganda): Thank you, Mr Speaker. This is also my first time to speak in this chamber here, so I want to take this opportunity, in a very special way, to thank the Government of Rwanda for posing such a big challenge to the other Partner States in terms of organisational capacity. I congratulate you. *(Applause)*

Mr Speaker, I have a very strong passion for persons with disability. For the last five years I have been working for interest groups like the youth, the elderly, and persons with disability, and the women, back home. Mr Speaker, that is the demographic structure of our society, and we cannot afford to close our eyes to how our society is composed. If we want to have sustainable development, then we must comprehensively plan and develop our society based on the structure, and persons with disabilities are a prominent package of our society. Hon. Ndahiro has just given the statistics of 10 per cent of the world population comprising of persons with disabilities; that is a huge population, Mr Speaker.

I would like to share with the members our national experience or the experience of Uganda, which is one of the member states of the Convention. The Constitution of the Republic of Uganda provides for affirmative action for persons with disabilities: It provides special seats for persons with disabilities in the National Assembly – five seats; it provides for representation of persons with disabilities in all the local councils, and the Parliament has enacted a law that protects the interests of persons with disabilities. This came as a Private Members' Bill under the able leadership of my dear sister, hon. Dora Byamukama, of a committee in which I served.

Mr Speaker, we must not ignore the issues pertaining to small components of our society because those are the components that will make us lag behind in terms of development.

About a month ago, we had a very interesting scenario in a small town in Eastern Uganda where women living with disabilities held a demonstration against men whom they said were abusing them. They said that some men went to relate with them in a man-to-woman relationship during the nights but during the day the men feared to identify themselves with the women. *(Laughter)* These are women with disabilities, and when they get pregnant from these relations, they have to go through the nine months of gestation to produce a child without the men giving support to them. *(Loud consultations)*

Mr Speaker, such are serious issues that affect our society. So, I would like to strongly implore the East African Community to take the issue of disability very seriously. I actually think we need a law at the regional level that gives anchorage to all the activities and initiatives being done at the Partner State level.

Mr Speaker, I believe that persons with disabilities are not unable; they are only able in a unique way. If you try to do what hon. Dr Ndahiro does, you will get shocked; you will not do it. So, these are people who are able in a special way, so they need a strong legal framework that supports them. Moreover, all of us are potential persons with disabilities through, for example, acts of war. Look at how much war is raging in the world today! It is not that all persons with disabilities were born with disabilities; sometimes it comes as a result of acts of nature!

Mr Speaker, I come from an area in Uganda where I think close to 50 percent of the people have disabilities, and if we carried out an audit of these communities, we would find out that poverty causes disability. Mr Speaker, when you live in the camps for the internally displaced persons, and because of war and poverty, when you are poor, you can not feed well, and, therefore, you can get mental impairment or blindness because of poverty. When the Chairperson of the Committee on Agriculture tells us about food insecurity, you will get exposed to this fact. So, I strongly suggest that we support the motion moved by my brother, hon. Ndahiro, because all of us are potential persons with disabilities as a result of acts of war, accident in vehicles, poverty, and age. So, I strongly support the motion, and thank hon. Ndahiro for bringing this motion. *(Applause)*

Dr Aman Kabourou (Tanzania): Thank you, hon. Speaker. Let me also use this opportunity of making my maiden speech in the Rwanda Parliament to congratulate the Government of Rwanda for having accorded us everything we need - *(Applause and Laughter)*. Hon. Speaker, honestly, I didn't want to say anything, but am I out of order? *(Interjection)* Some people are saying I should substantiate. Well, obviously because we have stayed quiet, I think it is because we have all the things we need. Surely I have had nice sleep, good food and Rwandan hospitality. *(Applause)*

Hon. Speaker, like I said, I almost didn't want to say anything, but I have been touched by my colleague, the hon. Dr Ndahiro, for what he has said. Let me just go on record for saying "shame" on anyone and any government that does not want to do what this motion is asking for, because it is a right. *(Applause)* But, also, let me say that in my experience, I have found out that most governments in the region really have taken some measures to deal with, or to do what is right for the persons with disabilities. I know that in Tanzania,

just like in Uganda, we have all kinds of provisions to make sure that the persons with disabilities are part and parcel of the ruling structure. As we speak, we do have an Albino in the Parliament of Tanzania, as well as a person with a physical disability; a Member of Parliament who cannot walk. Before that, in the past Parliament, we had a blind Member. Again, it is just a question of how we do it, but, basically, these things are done, and that is why I say “shame” on anybody who doesn’t want to do what the motion wants, because we already are doing this.

Hon. Speaker, Chapter 120 of our Treaty speaks about this, just like the other things like the polythene bags and stuff. The Treaty talks about disability and what to do to make sure that our fellow citizens get their rights. I agree completely with Dr Ndahiro that taking care of persons with disabilities is a primary responsibility.

It is a shame, really, isn’t it, what he talked about these deaf people not understanding one another in the same village, and all the examples that have been given ... German sign language, British sign language ... I didn’t hear Kenyan sign language there; I didn’t hear Nigerian sign language – (*Interjection*) - or even East African sign language, according to my sister here. Honestly, it is a shame that things like these that affect us because a person with a disability is our relative...why should they speak in German sign language? Where are the Tanzanians?

We have universities, and now we talk about these universities taking care of science and technology and all these other things, but language of the learning process! We too could do the same; after all, there could be a sign language that could be related to the Bantu languages, which could make it easier; maybe even the Swahili language.

Honestly, I don’t see why professionals don’t get together and think about this. It is a shame that for everything we have to rely on the Europeans, and before we know it, there will be a Japanese sign language being tried in Rwanda, in Tanzania or in Uganda! I don’t know if it is neo-colonialism, but it is certainly a shame.

So, hon. Speaker, 10 percent of our population - I heard some time that in Tanzania it was actually 13 percent; that’s a lot of people. And as long as we do not have their rights acknowledged by our governments, we will just end up with all kinds of atrocities.

Somebody talked here about men going after the women with disabilities at night. Maybe that’s for recreation, I don’t know, but there are others who do it in a negative way; for superstitious reasons. These honestly believe that sleeping with a woman with disability will increase their chances of making money – (*Laughter*) - and so they exploit these people. It’s not like they want them; they just use them. Maybe even the women also use the men for the same thing.

It is the same with people who go on killing the albinos: We know that the albinos are getting killed in Tanzania because some people honestly believe that if they have an albino’s finger they will become rich overnight. But the truth is that this albino is just a disabled person: An albino can’t see very well, they cannot stay in the sun very much; they constantly have to worry about even the gases they breathe. They are uncomfortable,

but somebody just comes and kills them believing that using their “uncomfortableness” will help them to become rich! And as long as our governments do not we ratify these conventions that they have signed to, we may continue to torture our own relatives. And as hon. Ndahiro has put it, these people are us! I thank hon. Kidega for reminding us that we are all potential disabled people for whatever reasons.

I thank you very much, hon. Speaker, and I beg to support the motion.

Ms. Safina Tsungu Kwekwe (Kenya): I thank you, Mr Speaker, sir for giving me this opportunity to add my voice to support this motion advanced by the hon. Dr. James Ndahiro. Indeed this is a motion that should have found its way into this Assembly much earlier – (*Interjection*) –

Mr Oyondi: But we were not here!

Ms Kwekwe: ... but, as we say, better late than never.

Hon. Speaker, the first conventional instrument that safeguards the rights of every human being is the Universal Declaration of Human Rights, and this is one of the fundamental instruments that every human rights activist always draws reference from. And all other instruments that have been developed in regard to the protection, recognition of human rights have always found their basis in the declaration of human rights.

Hon. Speaker, this, in my opinion, is the mother instrument of all human rights instruments, and categorically spells out rights into two categories: the civil and political rights on one hand, and the economic, social and cultural rights on the other hand. But from experience and from a historical perspective, the civil and political rights, which are said to be the first human rights that have come to be respected, and the economic, social and cultural rights which are deemed to be expensive to meet, have always been a contention. This has been so for people who are able, but for the people with disabilities it does not matter what kind of rights we are talking about for them; both categories have been an issue for people with disabilities. Therefore, hon. Speaker that is why I say this particular motion should have come much earlier than now. I congratulate the hon. Dr. Ndahiro for bringing this motion, and I congratulate members who have spoken before me for supporting it.

Hon. Speaker, refusing to respect, or denying the rights of people with disabilities is tantamount to rejecting development. Why do I say so? I say so because if we do not act - either in our individual capacities, or as partner states, or as people in authority or whatever our titles are - to ensure that the rights of people with disabilities are respected and safeguarded, the effects on human development will be enormous. Today, hon. Speaker, if you look at all the social sectors - be it education, employment and work place, health, or sports - they have not been designed to include persons with disabilities. And here I am speaking in the context of the East African Community Partner States.

If you take the example of a person who is deaf and dumb - and we have many such people in our societies - that is double disability, and for any government, any person in

authority, or for any leader to enable a deaf and dumb person to be self reliant they must accept to invest double in that individual. The issue is of goodwill, of willingness of our Partner States or of our leadership to recognize that we cannot have shortcuts when we are dealing with people with disabilities. We must simply invest more: we must allocate more funds, we must ask more questions, we must ensure that a woman who is deaf and dumb and who is in labour can go to a health facility and be able to get service. We must ensure that a child who has a disability can be able to sit in a classroom and be able to learn, just as his or her contemporaries. So, hon. Speaker, these are issues that Partner States can chose to either implement or not implement, because making them a choice is essentially saying that we do not want to develop.

In the last one or two years, two of the EAC Partner States have gone through elections, namely Kenya and Rwanda, and you could see the manifestation of how our systems have indeed neglected the people with disabilities. How does a person who is physically challenged access a polling station that is five kilometres away so as to be able to exercise their civic and political right to vote the person they want? How is a person with a disability who wants to contest supposed to move around in a constituency that has no roads, that has no mobility aids? That is automatically locking them out of the system!

I want to concur with the hon. Kabourou in that whoever does not support this motion must have their heads examined - (*Applause*) - because it is only common sense that we must respect the rights of people with disabilities because they are human, and there are no people more human than others. We are all human beings and when we signed as Partner States to the Universal Declaration of Human Rights, we signed to respect, uphold and safeguard the rights of human beings, which means that everyone, be they challenged mentally, challenged physically or otherwise, should have that right respected. I thank you Mr. Speaker - (*Applause*).

Mr. Mike Sebalu (Uganda): Mr. Speaker, I am not one of those whose heads should be examined - (*laughter*) - I support this motion. I must declare my interest, I definitely do support it even without the threat of being examined - (*Laughter*). I support Dr. Ndahiro for this very well thought motion, which is very necessary, relevant and indeed timely. Like the hon. Kwekwe did point out, it should have come to this House much earlier. So I do support it from the onset.

Mr. Speaker, we also need, maybe, to critically examine the activities in the Partner States, especially with regard to ratification. How many of them have not ratified the Universal Declaration for Human Rights? I think it could be quite important to have these details so that we know who have not ratified. We also need to examine the level of ratification, because they vary from country to country. There are countries where ratification is done by Cabinet and others by Parliament. There are even those where everything is done in Cabinet and then there are those where everything is done in Parliament. So, I think we also need to see how best we can harmonize this disparity, identify a best practice and make it applicable across the board within the region. I think we will need to look at these issues more deeply as well, but most importantly, Mr. Speaker, I just want to look at this issue of signing international instruments and then not ratifying them.

Mr Speaker, it is a contradiction...you can only equate it to robbery without violence, because you have signed and committed yourself and then on the other hand you don't want to implement or ratify the decision. This brings into question your commitment level: either you are doing it to appease, or for public relations, or for show, because if you are well intentioned and you do have the interest, it becomes a process which one should undertake up to the level of ratification and implementation! So, I think we need to re-examine these issues.

For instance, it is provided in the African Peer Review Mechanism (APRM) where they are examining the performance of African countries in terms of standards codes in relation to application of international instruments, domesticating them, turning them into municipal law, and having them implemented. These are issues that we also need to follow because it is not also right for us to ratify and not go ahead to implement or create the necessary institutions and structures. There are even cases where the institutions are created but they are not funded: You have put in place a law, you have ratified, a municipal law is in place, structures are created but there is no funding. Such cases are there in many of our members states. So, I think we need to go deeper to look at the level of ratification, and how long it takes, because some instruments can take even up to five years, and they are forgotten on the statutes books and nothing is done. So, we need to look at the whole process of signing, ratification, implementation in terms of creating the necessary institutions and structures, giving them the human resource to implement and then getting the entire process completed to the benefit of the concerned parties.

And in the case of our brothers and sisters, the persons with disabilities, I think this should even take priority, with us as leaders and as countries coming out clearly and showing concern and genuine affirmative action in terms of creating equal opportunities for all our citizens. The examples that have been brought by our friend, namely, the facilities that they may need to live normal lives, to be able to act and behave in a manner that equates them to everybody else. We don't have those facilities in our countries; they are not available and they are very expensive. But we are talking about someone who is already disadvantaged, is that not something that is good to write home about?

Mr. Speaker, I do support this motion emotionally, and I beg all members to support it, lest you have your heads examined - *(Applause)*

Dr. Sabine Ntakarutimana (Burundi): Mr. Speaker, it is my first time to speak in this August House, but because of the language, I beg your indulgence. I take this opportunity to congratulate the government of Rwanda for the good moments we have enjoyed in this country - *(Applause)*. I do not have much to say on this motion, but my concern is to join my voice to many speakers to support with energy the motion advanced by the hon. James Ndahiro - *(Applause)* - because as you know we have many persons with disabilities in our region and in Africa as a whole. It is the moment for me to ask this House to protect the persons with disabilities and to help them realize all their needs. This was my concern, Mr. Speaker, and I thank you - *(Applause)*.

Ms. Lydia Wanyoto (Uganda): Hon. Speaker, I have three issues to contribute in support of Dr. James Ndahiro's motion, and I want to start with the issue of the East African Community as a building block towards the African Union.

Mr. Speaker, the need to harmonize regional and international instruments is an important role of the East African Community as a building block towards the African Union and, therefore, I would like to congratulate our colleague, Dr. Ndahiro, for bringing this particular motion to this House. But while I support the Motion, I would like to raise the important issue of harmonizing policies and legislation relating to the social sector.

If we want to be specific, like now on persons with disabilities, my colleagues who have talked before me have talked about the involvement and participation of people with disabilities, for example, in political positions up to Parliament. You will realize from our history that what has brought us to that level in this region is the fact that we are trying to address a very serious historical negation that our past leaders did not address, leaving behind or leaving out of participation such people in decision making, and also in all ways of life.

I would, therefore, like to urge the Council of Ministers, Mr. Speaker, that in this 21st Century, we should not wait to conclude the four phases of integration – that hon. Kate Kamba earlier alluded to earlier: the customs union, the common market, the common currency and then the political federation - and then go backwards to bring on board these people by giving them one position here and another one there. To me that will begin the traditional “tokenism” that we are now trying to correct, since we now know that this is a very important sector of our community. And as it is stated in Article 7(1)(a) of the Treaty for the Establishment of the East African Community that this is a people-centred Treaty, I would therefore like to urge the Council of Ministers, hon. Speaker, that for every piece of policy or protocol that they pass, these aspects of social development should be mainstreamed therein so that we do not have activists coming up in future with placards to ask for their space - (*Applause*).

Mr Speaker, this is the 21st Century, some regional and international instruments are already in place and some of our national governments have already begun to realize this important gap, and have started to address them. My colleague talked about the case of Uganda, for example, and I am sure Rwanda and Tanzania have also already addressed some of these issues. So, I would like to urge the Council of Ministers to mainstream into whatever legislation they bring to this Assembly, the provisions for the participation of all the different groups as stated in the Article that Dr. Ndahiro mentioned - Article 120 (c) of the Treaty. This article puts the different social groupings in their right place in this Treaty.

Hon. Speaker, this Article is very clear; it talks about cooperation amongst the Partner States in the field of social welfare and it is very specific. It talks about people with disabilities, talks about the elderly...I don't know why they put the youth here, I know that the youth are an important part of our population, but they have been left out, and most or the bulk of their participation in some of these agenda is through civil society

organizations, which, as we know very well, are not only limited in their own scope, but also in interest and consideration. So, hon. Speaker, I would like to support this motion brought to us by hon. Dr. Ndahiro by emphasizing the role that the Council of Ministers can play to make everybody's work easier and simpler for us to achieve a holistic participation while also fulfilling the spirit of the Treaty.

I thank you, hon. Speaker, and I beg to support motion – (*Applause*).

Mr Augustine Lotodo (Kenya): Mr. Speaker, sir, I wish to add my voice to my colleagues in supporting the Motion brought forward by James Ndahiro, urging the Partner States to ratify the resolution of the UN General Assembly on the Convention of the Rights of the Persons with Disabilities.

First and foremost, I just want to thank the Republic of Rwanda on the seriousness with which it has taken the issue of persons with disabilities. I believe it is noteworthy that they have actually brought them into the political arena by ensuring that they have a representative in their Parliament. I was privileged to witness the elections on the 18th at the Amahoro Stadium, and the excitement that I saw there was more than what we saw in the other elections. So, what I want to say is that we live with people with disabilities in all our societies, but there is a lot of discrimination against them and we do need to demystify that cultural discrimination. I think the responsibility is upon our Partner States to put enough measures to address these issues.

I know for a fact that where I come from we have so many people with disabilities: the deaf, those who are blind, and actually they do not get as much assistance as they should. I am glad to hear that Kenya has ratified the resolution, but I am more concerned about the implementation of that resolution. How far does it go to actually address the issues of the people? I know in Kenya we have so many colleges and institutions in which people with disabilities are, but I don't know whether these institutions really cater for them to get jobs after they finished their studies. That is a concern that I feel we need to address.

Another issue is about the poverty levels of our fellow citizens who have disabilities. I think we will need to create a scheme to address this issue. It is common knowledge that we have hitherto left them in the hands of churches and the non-governmental organisations, but I think the governments need to allocate some funds to actually cater for our fellow citizens with disabilities.

I really do not have much more to say but just to emphasise that we do need to do more to support them. Thank you very much – (*Applause*).

Mr. Frederic Ngenzebuhoro (Burundi): Mr. Speaker, sir, I take this opportunity, first to thank the Rwanda Government for the hospitality we have enjoyed until now, and which I know that we will continue enjoy, and also for the different lessons that we will get from this Partner State.

Mr. Speaker, I take the Floor to express my support for the motion brought by my colleague, hon. Dr. Ndahiro, because it is a very important motion for us. This, of course, is to remind all our Partner States to ratify their resolution on the Convention of the Rights of Persons with Disabilities, which can improve the lives of many of our citizens. Persons with disabilities are full citizens as the others, and we know that they are able to contribute to the development of this region. Mr. Speaker, sir, in my opinion - even without this resolution of the United Nations General Assembly on the Convention of the Rights of Persons with Disabilities - our East African Community Partner States have the obligation to set up a common policy for persons with disabilities, through rehabilitation, and through the provision of, among other things, first and foremost, health care education and training. This is a requirement through our Treaty. If you read Article 120(c), which is mentioned here in the resolution, it states that the Partner States must have “...a common approach towards disadvantaged and marginalised groups...and persons with disabilities through the rehabilitation and provision of, among others, foster homes, health care education and training.” So, it is already a commitment. It is a good thing that Dr. Ndahiro is demanding for this, but we already have an obligation for this.

Mr. Speaker, sir, today let us urge our Partner States to ratify this convention but tomorrow we must use our Community to set up a common policy on this issue - and I think that the House can also help in this because, if you consider what has been said by Dr Ndahiro that in this country more than 10 per cent of the population are persons with disabilities, and Dr Kabourou also told us that in Tanzania they could be more than 13 per cent, if I consider this, then I wonder what the situation is in Burundi or in northern Uganda, where wars have been taking place for a long time. So, considering how fast the number of persons with disabilities is increasing in our region, I think we should urgently sort out this issue. I do not want to take too long on this -for many reasons- but I would only want to register my strong support for this motion. Thank you very much - (Applause).

Ms Jacqueline Muhongayire (Rwanda): Mr. Speaker, I wish also to take this opportunity to thank the hon. Dr. Ndahiro for moving this motion. As many honourable members have stated, this motion is very important for our societies and for our region. I think it is time for this Community to think of a time frame, which is not too long, within which to set up a common policy and a common legislation towards the people with disabilities. Personally, I grew up in a family with people with disabilities, so I really know what this means.

Mr Speaker, having a disability or disabilities does not mean not having capacity, so the first thing to do in our societies, or even in our families, is to change our attitudes, to change our mentalities towards these people with disabilities - (Applause). This is the first thing.

Sometimes we make public speeches or even have policies and national legislations, but when you see what is happening at the grassroots, it is very, very painful. I know that many of us have relatives with disabilities in our immediate or extended families, or in our neighbourhoods, but many of these persons with disabilities are hidden in our

families – *(Interjection)*. For some of our families it is shame for another person know that you have a child, or a relative with a disability. So, as Members of Parliament, we have a big challenge to change attitudes and mentalities in our societies and our neighbourhoods.

Secondly, Mr Speaker, it is true that some countries have already ratified the convention and some have adopted the specific legislation at national level but mechanisms and modalities enabling the implementation of this international convention and national legislations need to be clearly set up starting by our grass roots, starting by the lower level of our local administration. The issue of persons with disabilities is a critical issue and this need a specific attention from our parliament. You know our mission as a parliament is to legislate and to oversight and to deal with specific interests at regional level. I would like to see our parliament when legislating taking into account the disability issues like we take into account gender issues or youth issue, specifically when analyzing our regional budget or adopting different legislations. Also when going on the grass roots, in the field, I think we must be aware of sensitizing our people about these critical issues in order to change our attitudes and mentalities in our society.

Every person in our society has right to physical, social, mental and economical integrity. So it is not a favour of charity for persons with disabilities. I think it is a human right and we have a big role as a parliament to have a quick solution on this issue with people with disabilities. We have a problem of schools you know some families has even capacities to pay school fees for their children with disabilities but if you can see specialized schools with children with disabilities is still a big problem and I think it is a serious issue which must be handled at different sectors like education, health and even culture sports but specifically in for children with disabilities, it is very important to handle this issue of education and having specialize schools for these children with disabilities. So Mr. Speaker, sir, I take this opportunity to support the motion moved by Dr. Ndahiro - *(applause)* - and I thank you.

The Speaker: Hon. Members, we have come the end of debate, there was no question on Hon. Ndahiro.

(Question put and agreed to)

MOTION

The Report of the General Purpose Committee on the East African Community Annual Report 2006/2007

The Chairperson, Committee on General Purpose (Ms Lydia Wanyoto-Mutende): Hon. Speaker, I rise to move a motion that the report of the Committee on General Purpose on the East African Community Annual Report 2006/2007 be adopted

Ms. Safina Kwekwe (Kenya): Seconded!

Ms Wanyoto Mr. Speaker, I now would like to the Report from the General Purpose Committee on the East African Community Annual Report for July 2006 to June 2007.

The Report on the General Purpose Committee on the East African Community Annual Report 2006/2007 is read in the spirit pursuant to Article 48 (3) and 49 (2) (c) of the Treaty for the Establishment of the East African Community, and in accordance with Rule 79(1) and (2) of the Rules of Procedure of the Assembly and the Report of the Committee on General Purpose on the East African Community Annual Report for the period of 2006 June to 2007 be considered. The annual report was presented to this House on the 13th may 2008 by Hon. Mohammed Abood representing the Chairperson of the East African Council of Ministers and was subsequently refereed to the Committee for consideration and report there from.

Hon. Speaker, the Treaty vests in this Assembly the mandate to perform certain functions. This is specifically the reason the Assembly is empowered to establish committees to look into matters of the legislation, budgeting and oversight of the East African Community activities. The General Purpose Committee was therefore established by the Assembly to, among other things, carry out oversight of the progress made in the implementation of those provisions of the Treaty which address matter of general application on the East African Community in relation to its roles and actions.

In that regard, the Committee is required to examine East African Community Annual Reports specific to the work of the bodies, programs and projects of East African Community. Accordingly, Hon. Speaker and Hon. Colleagues, therefore, the Committee met on 6th August, 2008 in Kampala in the Republic of Uganda to consider the annual report and wishes to present this report.

Methodology

Hon. Speaker and Hon. Colleagues, we prepared the following terms of reference for this particular assignment:

- 1) To engage the East African community Council of Ministers, the Secretary General and the technical officials from East African Community Secretariat,
- 2) To analyze and have a discussion of the East African Community Annual Report 2006/07
- 3) To have an overview of the East African Community development strategy 2006/07 in that respect for that particular year.
- 4) To look at the annual work plan and budget for the financial year 2006/07
- 5) To work within a context and the provision the Treaty for the establishment of the East African community.

I would now like to move to the Committees' consideration of the Annual Report 2006/07.

The members of the Committee having read the annual report 2007 which was presented during the plenary in Nairobi came up with the following observations:

Issues arising from our methodology

The methodology was negated for the following reasons;

- 1) The committee interacted only with the Deputy Secretary General programs and Projects Ambassador Julius Onen. Therefore, we didn't have an opportunity to meet the ministers in this respect and other technical officials of the community.
- 2) The document titled annual report 2006/07 is a public relations document and not an annual report for consideration and adoption by the Assembly. It was prepared by the public relations officer to inform the East Africans and other stakeholders what the Community is all about and not demonstrate what was planned and whether it was achieved or not. So that was part of the challenges we had under our methodology and we missed out on the actual report as we shall see in the course of our findings.
- 3) The important documents like the annual work plan for the financial year 2006/07, the budget extract for that financial year and the link between the strategic plan and the annual report were not available to the Committee; the Nairobi Annual Report 2006/2007 lacked the balance sheet and income statement for the period under review.

Hon. Speaker, I would now like to proceed to our expectations of the East African Community annual report from the East African Council of Ministers.

An annual report from the Council of Ministers as envisaged by Article 49 of the Treaty is expected to have, at least, the following features:

- 1) It should be a publication of the Council of Ministers to the Assembly and not a campaign or publicity material from the Directorate of Corporate Communications and Public Affairs of the East African Community Secretariat.
- 2) It should show consistence with the strategic plan, the annual work plan and the budget outlook for the period under review.

Hon. Colleagues, the document that was given to us in Nairobi was similar to this one which is already published (*Ms Wanyoto waves a document in the air*)

It is already a public document, in public domain, but this particular one that we got yesterday is even better packaged. So, what I am talking about, you already have in your pigeonholes as public document, and for us to discuss this one which was brought to us in Nairobi would be masquerading; it should have been a report. And, I think this organ really knows the difference between a report and a magazine with pictures. And, therefore, I think members of this Assembly should really appreciate this magazine and also take nice pictures and make articles that promote the East African Community within the context of such a document - (*Applause*).

Mr Speaker, the document that we expected was supposed to reflect achievements made, challenges met and the future outlook in the implementation of the East African Community activities and programmes. It was supposed to reflect budget projections and the planning processes for the future. This was the basic minimum of the document that we expected as an annual report tabled before this August House, Mr Speaker, and what

we were given fell short of all these, including other serious details as you will see in our concluding remarks as I read on.

Hon. Speaker, the document that was presented during the plenary meeting in Nairobi, Kenya does not conform to the strategic plan nor does it address all the above features highlighted by the Committee. It did not, therefore, meet the standards of the Committee for purposes of scrutiny to be in a position to come up with a clear analysis and recommendations to this important Assembly.

Mr Speaker, when the Deputy Secretary General in charge of Projects and Programmes - and I want to add, Ambassador Julius Onen - was confronted with these matters, he concurred with the Committee about the inadequacies of the EAC annual report for the financial year 2006. He admitted that the report that was presented to the Assembly was a public relations document for public consumption for all East Africans. It is on the website of the Community, well packaged, and it is in all your pigeon holes and, therefore, this Assembly cannot say it is an annual report for scrutiny and adoption for onward recommendations.

Mr Speaker, the Deputy Secretary General confirmed that a detailed annual report - what I would like to call the actual report - had been presented to the Council Of Ministers and to the Summit that sat in Kigali, and he undertook to avail to the Committee that comprehensive report, along with the annual work plan, budget details and other documents we had asked for. But, to-date since Kampala, we have not received the actual documents for us to make an informed report to this August House on what is called an annual work plan. On behalf of my committee, I pledge that once availed these documents the Committee will be in a position to analyse, make recommendations and prepare a comprehensive report for presentation to the Assembly as envisaged in Article 49 of the Treaty that established the East African Community.

Hon. Speaker, I would now like to conclude by saying that the Committee on General Purpose concluded that the EAC Annual Report for the year 2006-2007 was never tabled before the Assembly, and it is our opinion that what was presented does not constitute an annual report. We, therefore, urge the Council of Ministers to table the actual EAC annual report, 2006-2007 to this honourable Assembly so that we are able to do our work as an Assembly and as a committee.

You will realise that our committee has worked very hard, and we have used diplomatic and a user friendly language to communicate to the Council of Ministers. I am very well aware that the Assembly respects and holds in high esteem matters brought to it by the Council of Ministers, and that we respect the current clear and very good working relationship with the Council of Ministers, but we shall not negate our responsibility as an Assembly in future to consider such documents presented to us as contempt of Parliament - *(Applause)*.

I beg to report and I beg to move.

The Speaker: Honourable Members, the Motion on the Floor is that the Report of the Committee of General Purpose on the East African Community Annual Report 2006-2007 be adopted. Debate is now open.

The Minister for EAC Affairs, Rwanda (Ms Monique Mukaruliza) (Ex-Officio): Thank you Mr Speaker. I am fully aware that among the functions of the East African Legislative Assembly stipulated under Article 49 of the Treaty is the consideration of the annual report of the activities of the Community. To me this is a necessary extension of the legislative Assembly's oversight and supervisory roles in an integration process that is people centred. Accordingly, I appreciate the imperative requirement on the Council regarding the preparation of such annual reports.

I thank hon. Lydia Wanyoto Mutende and the General Purposes Committee for their report on the East African Community annual report for the period 2006-2007. I note the pertinent observations made by the Committee, especially on what is expected on any East African Community annual report. I further note the committee's observation that the document tabled during the sitting of this August House held in Nairobi in May 2008 could not constitute an East African Community annual report - (*Applause*) - expected under the provisions of the Treaty. The admission by the Secretariat before the Committee that the document was a public relations publication lends credence to the committee's observation.

Mr Speaker, sir, while expressing regret at the mishap occasioned by the submission of the report, I want to observe that what has happened is an eye opener. There is no doubt in my mind that the Council must redress this sorry and undesirable state of Affairs - (*Applause*). The Council also needs to ensure that this does not re-occur at all - (*Applause*).

Mr Speaker, sir, the Council of Ministers therefore undertakes to submit the annual report on the activities of the Community as soon as possible - (*Applause*). This report will, for purposes of the Treaty and the objectives of the Community, contain comprehensive information on the activities of the Community, plans, projections, financial data etcetera. Mr Speaker, sir, I do seek your indulgence in this matter, and do thank you.

The Speaker: Well, I thank the Minister for her statement. I think the document was presented to the House by the Chairperson of the Council and not the Secretariat. So, I do not think the Council should also run away from its responsibility because it is not Ambassador Onen who gave this document to the House; it was the Chairperson of Council. So, I think the blame is squarely on the Chairperson of Council for not - I guess - supervising the Secretariat, and for not first looking at the kind of documents he presents to this House. I don't think the chair can run away from that responsibility - (*Applause*).

I would also like to add that now that the chairperson has admitted guilt and promised to present a new document, I think she concurs with the recommendations of the Committee. That being the case, I do not see why we have to labour going through the

document and then voting on it when the Chairperson of Council has already agreed to present a new document. However, I would like to point out that there is a financial implication involved in preparing this new document because the document is referred to the Committee. And as we all know, it is the Council that determines the budget of the Community, and the Council has, for a very long time now said that it is not going to give money for the committees of the Assembly. So, if we are going to present this new document we have to have some commitment from the Council as well as to who is going to fund the Committee to look at this document again.

Ms Mukaruliza: Mr Speaker sir, please allow the Council to look at that issue. I thank you.

The Speaker: What does that mean hon. Minister? Allowing the Council does not give an answer to the question. It is a function of the Assembly to look at this document and there is no funding for it; so which way do we go? That is the question. So, much as we can allow the Minister to bring the document again, how will we be able to look at it; do we just shelve it? I know that you cannot decide on the issue alone, hon. Minister, because you need the whole Council to look at it. So, I will let you off the hook on this one. We will talk about it later on.

I now put the question that the Report of the Committee on General Purpose on the EAC Annual Report 2006-2007 be adopted.

(Question put and agreed to)

The Speaker: Honourable Members, we have come to the end of our business today. I adjourn the House until tomorrow at 2.30 p.m.

(The House rose at 3.36 p.m. and adjourned until 2.30 p.m. on Thursday, 25 September 2008)